

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-30054-MAP

DEBORAH ST. PETER and)
MATTHEW BOGACZ,)
Plaintiffs)
vs.)
)
TOWN OF AGAWAM, TOWN OF AGAWAM)
POLICE DEPT., AGAWAM POLICE CHIEF)
ROBERT CAMPBELL, ANTHONY GRASSO,)
JAMES WHEELER, RICHARD NILES,)
KEITH BOPKO, JOHN MOCCIO,)
OFFICER MCGOVERN,)
Defendants)

MOTION OF THE DEFENDANT, JAMES WHEELER, FOR POSTPONEMENT OF TRIAL

The above named defendant, James Wheeler, respectfully moves this Court for a postponement of the trial in this matter, currently scheduled to begin on December 11, 2006. As grounds for this motion, the defendant states that his counsel and counsel for the other defendants, the undersigned, has now been able to get a hold of all of the named defendants to advise them of the December 11 date. Mr. Wheeler has a preplanned vacation during the week of December 11 out of the state. Mr. Wheeler asserts that he and other officers of the Agawam Police Department are required by the department to schedule their vacations well ahead of time, sometimes as much as a year ahead of time. This particular vacation of Mr. Wheeler's was scheduled last February. He will be back in the area on December 18, 2006.

It is respectfully requested that the trial in this matter therefore be postponed until January 2007, or a time convenient to the Court and the parties. While the plaintiffs might assert that Mr. Wheeler can be present during the week of December 18, if he takes his vacation as already planned, he would not be able to be present during the beginning days of the trial. The Court will also recall that defense counsel already has another trial scheduled in this Court for the week

of December 4, and counsel therefore also asks for a reasonable postponement of the instant matter.

THE DEFENDANTS
TOWN OF AGAWAM, TOWN OF
AGAWAM POLICE DEPT., AGAWAM
POLICE CHIEF ROBERT CAMPBELL,
ANTHONY GRASSO, JAMES
WHEELER, RICHARD NILES,
KEITH BOPKO, JOHN MOCCIO,
OFFICER MCGOVERN

/s/ Jeffrey L. McCormick

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CERTIFICATE OF CONSULTATION

Counsel for the defendants states that in correspondence, he made a written request of plaintiffs' counsel that the plaintiffs mutually agree to the postponement of the trial as requested above. In a letter dated September 26, 2006, plaintiffs' counsel stated she would not agree to such a postponement and stated that she will object to any motion to postpone the trial. The undersigned states, in accordance with Rule 7.1 of the Local Rules of the United States District Court that an effort was made to resolve this matter.

/s/ Jeffrey L. McCormick

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 29, 2006.

/s/ Jeffrey L. McCormick